IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 928 OF 2006

Nisaar Ahmed Fazal Ahmed Shaikh @ Pappu....Applicant
V/s.
The State of Maharashtra. ...Respondent

Shri Balaji Gadi for Applicant.
Ms.M.M. Deshmukh, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 14, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant is arrested in connection with an offence registered under Sections 395, 342, 397 of the IPC.

2 It is alleged that the applicant was sitting in a taxi alongwith another co-acused while robbery took place in the shop. It is alleged that there was recovery at the instance of the present applicant of the diamonds worth Rs.2600/- which diamonds were identified by the owner. The chargesheet has been filed. The only role attributed to the present applicant is that he was

sitting in a taxi while the robbery had taken place inside the shop and further that certain diamonds were recovered at his instance.

3 Considering the role attributed to the present applicant, in my view, this is a fit case for grant of bail. The chargesheet also has been filed.

4 The applicant, therefore, be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. He shall, however, report to DCB, CID. Unit No.1, twice in a month and if the applicant tries to tamper with the evidence or threaten the witnesses, bail granted to him is liable to be cancelled on that count.

. Application is disposed of in the above terms.

(V.M. Kanade, J.)